

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
HEALTHSOUTH CORPORATION 2002 DERIVATIVE LITIGATION**

<b>WADE TUCKER, ET AL.</b>	)
<b>Plaintiff</b>	)
<b>v.</b>	)
<b>RICHARD M. SCRUSHY, ET AL.</b>	)
<b>Defendants</b>	)
<b>GREENWICH INSURANCE CO.</b>	)
<b>Plaintiff</b>	)
<b>v.</b>	)
<b>HEALTHSOUTH CORPORATION ET AL.,</b>	)
<b>Defendants</b>	)
<b>STEVEN R. NICHOLS, ET AL.</b>	)
<b>Plaintiffs</b>	)
<b>v.</b>	)
<b>HEALTHSOUTH CORPORATION ET AL.,</b>	)
<b>Defendants</b>	)
<b>FEDERAL INSURANCE COMPANY, ET AL.</b>	)
<b>Plaintiffs</b>	)
<b>v.</b>	)
<b>HEALTHSOUTH CORPORATION, ET AL.,</b>	)
<b>Defendants</b>	)
<b>DENNIS FAMILY TRUST</b>	)
<b>Plaintiff</b>	)
<b>v.</b>	)
<b>HEALTHSOUTH CORPORATION, ET AL.,</b>	)
<b>Defendants</b>	)

CV 02-5212

<b>Filed In Open Court</b>	
This <u>14</u> day of <u>March</u> , 20 <u>08</u>	
Allwin E. Horn III Circuit Judge	
By <u>[Signature]</u>	DEPUTY CLERK

CV 03-3522

CV 03-2023

CV 03-2420

CV 98-6592

**ORDER**

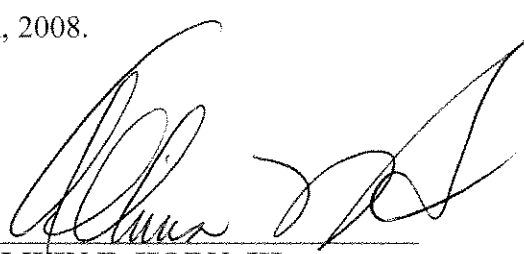
This matter is before the Court on UBS SECURITIES' MOTION TO RECONSIDER THE COURT'S FEBRUARY 19 ORDER OR, IN THE ALTERNATIVE, FOR ISSUANCE OF A STAY PENDING APPEAL. Having considered the briefing papers and oral arguments of the Parties, and to correct any uncertainty as to the intent of the February 19 Order, said Order of February 19 is hereby **AMENDED** only as follows:

Paragraph #2 and #4 appearing on Page 6 of said Order are hereby set aside and deleted and replaced as follows:

2. UBS is granted leave to amend its counterclaim within 30 days from this date to assert breach of the MCDC loan agreement. Alternatively, if some other UBS entity is the actual "Lender" on the MCDC loan, that entity is hereby given leave to intervene in this action within 30 days of this Order, for purposes of asserting breach of the MCDC loan agreement. UBS' current council are hereby directed to communicate this grant of intervention to the UBS entity making said loan.

4. If the UBS parties do not amend or intervene to assert the alleged MCDC loan breach as provided herein, Tucker and HealthSouth are given leave to move for Judgment as to the MCDC loan.

DONE and ORDERED this 7 day of March, 2008.

  
ALLWIN E. HORN, III  
Circuit Judge

AEH/km

**Distribution:** Copies of this Order are being provided to all Steering Committee Counsel with directions that said counsel further distribute this Order to all Parties in their respective Groups.

**cc: Honorable Karen O. Bowdre**  
U. S. Federal Judge  
Hugo Black U. S. Courthouse  
1729 5<sup>th</sup> Avenue North  
Birmingham, AL 35203